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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,265	12/15/2003	Battista Luca	4173/15	3823
29858	7590	02/21/2006	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022			WATSON, ROBERT C	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/736,265		LUCA ET AL.	
	Examiner		Art Unit	
	Robert C. Watson		3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 4, 11, and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims recite only details of an unclaimed workpiece and do not further recited details of the support device.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 6, 8-11,13-14, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Celette.

Celette shows a moveable frame for supporting an automobile body part. The various holders on the frame are capable of being translated both horizontally and vertically relative to the other holders in on the frame. The holder 15c which is a C-clamp is considered to be channel shaped. Statements of intended use such as details of the shape of the workpiece being held by the supporting frame has no patentable significance. The frame of Celette is designed to hold a wide variety of shapes of body parts. The frame of Celette is seen to be capable of holding the exact same shaped workpiece as is illustrated in applicant's Figure 2. An automobile part having a concavity such as a truck bed camper top is capable of being supported by the Celette frame.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 16, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celette in view of Hui.

Celette provides for a variety of interchangeable holder members depending on the shape of the automobile frame being supported.

Hui teaches a frame having plural support members 24 and plural engaging holders 22 for engaging an automobile part(s). Support member 24 is channel shaped and has a saddle 50 with angled flanges 38,40.

To provide in Celette holders that are channel shaped with a saddle and angled flanges would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Hui. One of ordinary skill in the art would have been motivated to do this in order to provide a more positive holding engagement of the automobile frame member workpiece.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celette in view of Milwain.

Milwain teaches that an engaging holder may have a pin to releasably engage structure on the body that is used to secure the body to a vehicle. To provide pin engaging structure for the Celette frame to releasably engage structure on the body that is used to secure the body to a vehicle would have been obvious for one skilled in the

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art at the time the invention was made in view of the disclosure of Milawain. One of ordinary skill in the art would have been motivated to do this in order to conveniently lock or otherwise positively hold the automobile body to the frame.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Celette in view of Nillson.

Nillson teaches a frame having brackets for receiving a fork lift truck. To provide fork lift brackets on the Celette frame would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Nilsson. One of ordinary skill in the art would have been motivated to do this in order to enable heavy objects being supported in the frame to be readily transported with minimum manual effort.

Applicant's remarks have been given careful consideration. Applicant's newly claimed feature of the support frame being capable of holding a workpiece having a concavity facing downward is met by the newly applied references. However, applicant should realize that statements of intended use such as the shape of an unclaimed workpiece have no patentable significance. That being the case, applicant is claiming no more than wheeled object having two upward members. This is certainly overly broad and is structure that can be duplicated in a vast multitude of different environments. In fact, every truck driving down the road reads on applicant's claims since a truck bed is a movable frame that holds a camper top having a downward facing concavity.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

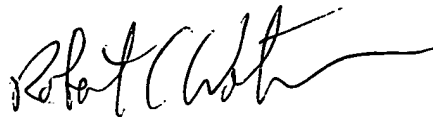
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rcw



ROBERT C. WATSON
PRIMARY EXAMINER